

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

FILED

08 APR 23 PM 12:31

UNITED STATES OF AMERICA,

Magistrate Docket No.

Plaintiff,

'08 MJ 1241

v.

COMPLAINT FOR VIOLATION OF:

Andres REYES-Sanchez,

DEPUTY  
Title 8, U.S.C., Section 1326  
Deported Alien Found in the  
United States

Defendant

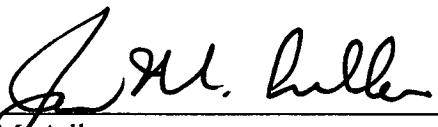
The undersigned complainant, being duly sworn, states:

On or about April 22, 2008 within the Southern District of California, defendant, Andres REYES-Sanchez, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
James Trombley  
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 23rd DAY OF APRIL, 2008

  
Jan M. Adler  
UNITED STATES MAGISTRATE JUDGE

**CONTINUATION OF COMPLAINT:**  
**Andres REYES-Sanchez**

**PROBABLE CAUSE STATEMENT**

On April 22, 2008, Border Patrol Agent M. Spear was assigned to patrol duties in the Brown Field Border Patrol Station area of operations. At approximately 5:00 a.m., Agent Spear responded to a report from a thermal scope operator that seven individuals were walking north from the border fence in an area known as "Colonel's Ridge." This area is approximately eight miles east of the Otay Mesa, California Port of Entry and one mile north of the United States/Mexico International Border.

Upon arriving in the area, Agent Spear found fresh footprints for approximately seven individuals heading north from the border. Agent Spear followed the footprints for approximately 45 minutes and found seven individuals attempting to conceal themselves in some thick brush. Agent Spear identified himself as a United States Border Patrol Agent and then questioned each individual as to his or her citizenship and immigration status. All seven, including one later identified as the defendant **Andres REYES-Sanchez**, admitted to being citizens and nationals of Mexico without immigration documents that would allow them to enter or remain in the United States legally. All seven subjects were then arrested and transported to the Brown Field Border Patrol Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico on April 11, 2008 through Nogales, Arizona**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.